

a first surface, a second surface, and a slot defined therebetween, wherein said slot has minimum dimensions of at least 0.25 inches by 1 inch so as to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.

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## REMARKS

### *The Drawings*

The Office Action does not provide any indication that the Official Draftsperson of the U.S. Patent and Trademark Office has approved the drawings filed with the application. Thus, applicant respectfully requests an indication that the drawings have been accepted by way of a "Notice of Draftsperson's Patent Drawing Review" (PTO-948 Form).

### *The Present Invention*

The present invention relates to a hang tag that is capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object. The hang tag comprises a first surface, a second surface, and a slot defined therebetween. The slot has minimum dimensions of at least about 0.25 inches by about 1 inch and is thus large enough to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.

### *The Pending Claims*

Claims 14-24 and 27-30, directed to a hang tag capable of automatically and permanently being attached to an elongated object by a machine suitable for applying a securement strap to an object, are pending currently. Reconsideration of the pending claims is respectfully requested.

### *The Amendments to the Claims*

The claims have been amended with respect to form so as to point out more particularly and claim more distinctly the subject matter of the invention. In particular, the

independent claim 14 has been amended to delete "about" prior to the dimensions of the slot. No new matter has been added by way of any of these amendments. Separate documents setting forth (a) the precise changes to the specification and the claims, as well as (b) the text of all of the pending claims, are enclosed herewith.

*Summary of the Office Action*

The Office Action rennumbers claims 25-28 as claims 27-30. Applicants have used the new numbering system herein. In addition, the Office Action rejects claims 14-19, 23-24, and 27-28 under 35 U.S.C. § 102(b) as being anticipated by Swett, Jr. (i.e., U.S. Patent 2,328,691) and rejects claims 14-20, 24, and 27-28 under 35 U.S.C. § 102(b) as being anticipated by DeWoskin (i.e., U.S. Patent 4,914,843). Claims 21-22 stand rejected under 35 U.S.C. § 103(a) as being obvious over Swett, Jr. in view of Machlica (i.e., U.S. Patent 5,910,353). Lastly, claims 29-30 stand rejected as obvious over DeWoskin in view of Machlica.

*Examiner Interview and Discussion of the Anticipation and Obviousness Rejections*

Applicants wish to express their sincere gratitude to Examiner Chop for the courtesies she extended to the undersigned attorney in the course of the telephone interview that took place on June 11, 2002. During the course of that interview, applicants proposed deleting the term "about" from the claims. The Examiner agreed that deletion of that term would render the anticipation rejection moot. Applicants also argued that the pending claims would be allowable upon removal of the term "about" from claim 14 (without conceding that the rejection was proper) because none of the cited references discloses or suggests the present invention as defined in the revised pending claims, particularly, the feature that the slot has minimum dimensions of at least 0.25 inches by 1 inch (claims 14 and 29) or 0.312 inches by 1.25 inches (claim 30) so as to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine. Applicants pointed out that achieving the automatic application was difficult, that there was a significant long felt need for automatic application of hang tags, and others had failed. Examiner Chop

suggested submitting a Rule 132 Declaration, which she indicated she would consider in this application even though a final rejection had been made.

Applicants disagree with the anticipation rejection because the term "about" in the pending claims would not cover any slot, which the Office Action apparently reads it as doing. Furthermore, the scope of the term "about" with respect to the slot dimensions recited in the claims must also permit a machine jaw and a securement strap to travel therethrough. There is nothing whatsoever in any of the cited references indicating that the machine jaw could travel therethrough that would suggest that the term "about" in the pending claims would cover the slots of the prior art tags, which are vastly different than the present invention, as discussed in more detail in applicants' prior response. In any event, in order to expedite prosecution, applicants have deleted the term "about" from independent claim 14 (the only independent claim subjected to the anticipation rejections) and, thus, the anticipation rejections are moot and should be withdrawn.

Furthermore, applicants have adopted the Examiner's suggestion and have submitted a Rule 132 Declaration establishing secondary indicia of nonobviousness. By way of example, the Declaration demonstrates that there has been a significant *long felt need* for hang tags to be automatically applied, and despite that long felt need, no solution other than the present invention had achieved it. The Rule 132 Declaration also establishes that the largest cable tie manufacturers (and the machines for attaching them) in the U.S. knew about the need for automatic application of hang tags to cord sets and *tried and failed* to achieve it, despite the significant business it would have generated for them. Not until the present invention, as defined in the revised pending claims, could a hang tag be automatically applied.

Since the cited references do not disclose nor reasonably suggest the present invention as defined by the pending claims, the present invention is patentable over the cited references. Accordingly, the anticipation and obviousness rejections should be withdrawn and the application allowed.

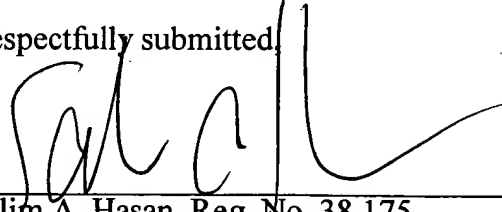
#### *Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of

In re Appln. of Doerr  
Application No. 09/771,430

the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Salim A. Hasan', written over a horizontal line.

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Date: September 6, 2002

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Application No. 09/771,430  
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: 9-6-02 Debbie Hall

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**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3677**

**PATENT**  
Attorney Docket No. 208892

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Doerr et al.

Application No. 09/771,430

Filed: January 26, 2001

For: **HANG TAG AND METHOD OF  
APPLYING HANG TAG TO AN  
ELONGATED OBJECT**

Art Unit: 3677

Examiner: A. Chop

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**AMENDMENTS TO CLAIMS MADE IN RESPONSE  
TO OFFICE ACTION DATED MAY 6, 2002**

*Amendments to existing claim:*

14. (Twice Amended) A hang tag capable of automatically and permanently being attached to an elongated object by a machine having at least one jaw suitable for applying a securement strap to an object, the hang tag comprising:

a first surface, a second surface, and a slot defined therebetween, wherein said slot has minimum dimensions of at least [about] 0.25 inches by [about] 1 inch so as to be capable of permitting the jaw to travel through the slot so that the securement strap can be threaded through the slot automatically by the jaw of the machine.